

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

BARRY TOWNSEND,

Plaintiff,

v.

WILKS MASONRY, LLC, et al.,

Defendants.

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Case No. CIV-18-921-G

ORDER

Now before the Court is a Motion to Dismiss filed by Defendant Wilks Masonry, LLC (Doc. No. 18). Defendant's Motion seeks dismissal of claims asserted in Plaintiff's original Complaint, filed September 18, 2018 (Doc. No. 1). On November 29, 2018, Plaintiff timely filed an Amended Complaint (Doc. No. 26).¹ Plaintiff's Amended Complaint supersedes the original Complaint and renders it of no legal effect. *See Davis v. TXO Prod. Corp.*, 929 F.2d 1515, 1517 (10th Cir. 1991).

Accordingly, the pending Motion to Dismiss (Doc. No. 18) is DENIED as moot.
IT IS SO ORDERED this 11th day of January, 2019.



CHARLES B. GOODWIN
United States District Judge

¹ Under Fed. R. Civ. P. 15(a)(1), a plaintiff may amend as a matter of right within 21 days after service of a Rule 12(b) motion.